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**STATE OF IOWA**  
**BOARD OF EDUCATIONAL EXAMINERS**  
**Grimes State Office Building – 400 East 14<sup>th</sup> Street**  
**Des Moines, Iowa 50319-0147**

**Minutes**

**March 3, 2006**

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1                                   **STATE OF IOWA**  
2                                   **BOARD OF EDUCATIONAL EXAMINERS**  
3                           **Grimes State Office Building – 400 East 14<sup>th</sup> Street**  
4                                   **Des Moines, Iowa 50319-0147**

5  
6                                   **Motions**

7  
8                                   **March 3, 2006**  
9  
10

11   Ying Ying Chen moved, with a second by Jacqueline Wellborn, that the Board  
12   go into closed session for the purposes of discussing whether to initiate  
13   licensee disciplinary proceedings and discussing the decision to be rendered in  
14   a contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f).

15   **MOTION CARRIED UNANIMOUSLY.**  
16

17   Jacqueline Wellborn moved, with a second by Ying Ying Chen, that in **case**  
18   **number 03-33**, Lewis Central Community Schools v. Chad Stalzer, the Board  
19   not initiate review of the proposed decision and allow the proposed decision to  
20   become the final decision of the Board unless an appeal is taken by one of the  
21   parties within the time allowed by rule. Roll call vote: Haigh – yes; Henderson  
22   – yes; Wellborn – yes; Carter – yes; Paulsen – yes; Robinson – yes; Seeland –  
23   yes; Chen – yes; Smith – yes; Aboud – yes; and Jeffrey – yes. **MOTION**  
24   **CARRIED UNANIMOUSLY.**  
25

26   William Haigh moved, with a second by Jacqueline Wellborn, that in **case**  
27   **number 05-36**, In the Matter of: Barry Alan Miedema, the Board accept the  
28   stipulation and settlement submitted by the parties and issue an order  
29   incorporating the agreement of the parties and imposing the agreed-upon  
30   sanction. Roll call vote: Aboud – yes; Smith – yes; Chen – yes; Seeland – yes;  
31   Robinson – yes; Paulsen – yes; Carter – yes; Wellborn – yes; Henderson – yes;  
32   Haigh – yes; and Jeffrey – yes. **MOTION CARRIED UNANIMOUSLY.**  
33

1 Ying Ying Chen moved, with a second by William Haigh, that in **case number**  
2 **05-39**, In the Matter of: Leland Dirk Ayers, the Board find probable cause to  
3 establish a violation of the following provisions of the Code of Professional  
4 Conduct and Ethics: 282 IAC 25.3(1)(b)(1) and (2) and (1)(d) and order this  
5 case set for hearing. Roll call vote: Haigh – yes; Henderson – yes; Wellborn –  
6 yes; Carter – yes; Paulsen – yes; Robinson – yes; Seeland – yes; Chen – yes;  
7 Smith – yes; Aboud – yes; and Jeffrey – yes. **MOTION CARRIED**  
8 **UNANIMOUSLY.**

9  
10 Jacqueline Wellborn moved, with a second by William Haigh, that in **case**  
11 **number 05-32**, the Board extend the 180-day deadline for issuance of the final  
12 decision, due to the need for additional time to conduct a hearing, prepare a  
13 proposed decision, and review the proposed decision by the Board. Roll call  
14 vote: Aboud – yes; Smith – yes; Chen – yes; Seeland – yes; Robinson – yes;  
15 Paulsen – yes; Carter – yes; Wellborn – yes; Henderson – yes; Haigh – yes; and  
16 Jeffrey – yes. **MOTION CARRIED UNANIMOUSLY.**

17  
18 Ying Ying Chen moved, with a second by Jacqueline Wellborn, that in **case**  
19 **number 05-33**, the Board extend the 180-day deadline for issuance of the final  
20 decision, due to the need for additional time to allow for the appeal period of  
21 the decision and to issue the final order in the case. Roll call vote: Haigh –  
22 yes; Henderson – yes; Wellborn – yes; Carter – yes; Paulsen – yes; Robinson –  
23 yes; Seeland – yes; Chen – yes; Smith – yes; Aboud – yes; and Jeffrey – yes.  
24 **MOTION CARRIED UNANIMOUSLY.**

25  
26 The February 2, 2006, minutes were **APPROVED WITHOUT OBJECTION**, as  
27 distributed.

28  
29 Jeffrey Henderson moved, with a second by Greg Robinson, to file under Notice  
30 of Intended Action, the proposed rules in Chapter 15 for the orientation and  
31 mobility license. **MOTION CARRIED UNANIMOUSLY.**

1

2 Board Member Jean Seeland moved, with a second by Beverly Smith, that the  
3 Board go on record endorsing all parts of the Iowa educator quality legislation.

4 **MOTION CARRIED UNANIMOUSLY.**

1 John Aboud moved, with a second by Jean Seeland, that **in PFW 06-02**,  
2 Dianne L. Koehler, the Board deny the Petition for Waiver, with the proviso that  
3 Ms. Koehler only need meet the student teaching requirement and whatever  
4 that Iowa institution's program deems necessary in order for her to student  
5 teach. **MOTION CARRIED UNANIMOUSLY.**

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2                                   **BOARD OF EDUCATIONAL EXAMINERS**  
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5  
6                                   **Minutes**  
7                                   **March 3, 2006**  
8

9    The Board of Educational Examiners held its monthly meeting on March 3,  
10   2006. Board Chair Judy Jeffrey called the meeting to order at 9:02 a.m.  
11   Members attending were John Aboud, Ying Ying Chen, William Haigh, Jeffrey  
12   Henderson, Judy Jeffrey, Thomas Paulsen, Greg Robinson, Jean Seeland,  
13   Beverly Smith and Jacqueline Wellborn. Also in attendance were Dr. George  
14   Maurer, Executive Director of the Board; Christie Scase, Assistant Attorney  
15   General and legal counsel to the Board; Barbara Hendrickson, Board  
16   Secretary; and other visitors. Brian Carter arrived at 9:07 a.m. and was absent  
17   from the afternoon session.

18  
19   Ying Ying Chen moved, with a second by Jacqueline Wellborn, that the Board  
20   go into closed session for the purposes of discussing whether to initiate  
21   licensee disciplinary proceedings and discussing the decision to be rendered in  
22   a contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f).

23   **MOTION CARRIED UNANIMOUSLY.**  
24

25   The Board reconvened into open session at 9:22 a.m.  
26

27   Jacqueline Wellborn moved, with a second by Ying Ying Chen, that in **case**  
28   **number 03-33**, Lewis Central Community Schools v. Chad Stalzer, the Board  
29   not initiate review of the proposed decision and allow the proposed decision  
30   to become the final decision of the Board unless an appeal is taken by one of  
31   the parties within the time allowed by rule. Roll call vote: Haigh – yes;  
32   Henderson – yes; Wellborn – yes; Carter – yes; Paulsen – yes; Robinson – yes;

1 Seeland – yes; Chen – yes; Smith – yes; Aboud – yes; and Jeffrey – yes.

2 **MOTION CARRIED UNANIMOUSLY.**

3  
4 William Haigh moved, with a second by Jacqueline Wellborn, that in **case**  
5 **number 05-36**, In the Matter of: Barry Alan Miedema, the Board accept the  
6 stipulation and settlement submitted by the parties and issue an order  
7 incorporating the agreement of the parties and imposing the agreed-upon  
8 sanction. Roll call vote: Aboud – yes; Smith – yes; Chen – yes; Seeland – yes;  
9 Robinson – yes; Paulsen – yes; Carter – yes; Wellborn – yes; Henderson – yes;  
10 Haigh – yes; and Jeffrey – yes. **MOTION CARRIED UNANIMOUSLY.**

11  
12 Ying Ying Chen moved, with a second by William Haigh, that in **case number**  
13 **05-39**, In the Matter of: Leland Dirk Ayers, the Board find probable cause to  
14 establish a violation of the following provisions of the Code of Professional  
15 Conduct and Ethics: 282 IAC 25.3(1)(b)(1) and (2) and (1)(d) and order this  
16 case set for hearing. Roll call vote: Haigh – yes; Henderson – yes; Wellborn –  
17 yes; Carter – yes; Paulsen – yes; Robinson – yes; Seeland – yes; Chen – yes;  
18 Smith – yes; Aboud – yes; and Jeffrey – yes. **MOTION CARRIED**  
19 **UNANIMOUSLY.**

20  
21 Jacqueline Wellborn moved, with a second by William Haigh, that in **case**  
22 **number 05-32**, the Board extend the 180-day deadline for issuance of the final  
23 decision, due to the need for additional time to conduct a hearing, prepare a  
24 proposed decision, and review the proposed decision by the Board. Roll call  
25 vote: Aboud – yes; Smith – yes; Chen – yes; Seeland – yes; Robinson – yes;  
26 Paulsen – yes; Carter – yes; Wellborn – yes; Henderson – yes; Haigh – yes; and  
27 Jeffrey – yes. **MOTION CARRIED UNANIMOUSLY.**

28  
29 Ying Ying Chen moved, with a second by Jacqueline Wellborn, that in **case**  
30 **number 05-33**, the Board extend the 180-day deadline for issuance of the final  
31 decision, due to the need for additional time to allow for the appeal period of

1 the decision and to issue the final order in the case. Roll call vote: Haigh –  
2 yes; Henderson – yes; Wellborn – yes; Carter – yes; Paulsen – yes; Robinson –  
3 yes; Seeland – yes; Chen – yes; Smith – yes; Aboud – yes; and Jeffrey – yes.

4 **MOTION CARRIED UNANIMOUSLY.**

5  
6 The February 2, 2006, minutes were **APPROVED WITHOUT OBJECTION**, as  
7 distributed.

8  
9 Board members shared information on a number of items. Ying Ying Chen  
10 gave an update on her participation in the Leadership Partnership grant.  
11 Board Chair Judy Jeffrey mentioned that the Department of Education (DE) is  
12 charged with an overall evaluation of the entire Teacher Quality legislation due  
13 this next year. The previous week, following instruction in licensure by  
14 Licensure Consultant David Morgan to student teachers at Iowa Wesleyan  
15 College, Brian Carter had given a presentation on ethics. He used the  
16 presentation developed by Heartland Area Education Agency 11 that is  
17 available from the Board's website. Mr. Carter said that the students rightly  
18 sensed that if they have a question about licensure or ethics, they know where  
19 to go. Executive Director Dr. George Maurer interjected that the ethics  
20 presentation will be available on video in the next month or two. Beverly Smith  
21 requested that board members be provided a copy of a DVD of the presentation  
22 when it becomes available. Jacqueline Wellborn put the URL of the ethics  
23 presentation and an information blurb in the union's newsletter. She will make  
24 a presentation on ethics next month to the first- and second-year teachers in  
25 the school district at their respective mentor meetings. Jeffrey Henderson said  
26 he was pleased with the legislative bill setting a minimum number of hours for  
27 a school year instead of a number of days required in the classroom. William  
28 Haigh gave an ethics presentation with Licensure Consultant Jane Heinsen at  
29 the West Des Moines branch of Upper Iowa University.



1 Board Chair Judy Jeffrey reported that 31 Iowa teachers earned National  
2 Board Certification in 2005, bring the total to 489 since its inception in 1993,  
3 but there are fewer applicants each year. She said that the program had  
4 sunset, and so the DE must annually request an appropriation in order to keep  
5 the program alive. The DE this year has asked the legislature to commit to  
6 longer than one year for the program. The legislative proposal also includes  
7 plans to reinstitute some kind of support center for the National Board  
8 Certification process, as had been in place previously at the University of  
9 Northern Iowa. Ms. Jeffrey said that Teacher Quality legislation has not yet  
10 been adequately discussed in the legislature. There is a push, however, to  
11 raise teacher salaries, and the supply of new teachers does not match the  
12 demand generated by teacher retirements. She encouraged board members to  
13 commit to professional development as well as salaries and to communicate the  
14 importance of those needs to their communities. Teachers need the tools,  
15 resources and training to do the job of raising student achievement. The public  
16 must also understand the importance of ongoing professional development for  
17 teachers. Also not understood is how the rank in teacher salaries is coupled  
18 with low allowable growth.

19  
20 There was no Public Comment.

21  
22 Executive Director Dr. George Maurer reported on a number of issues:

- 23 1) He reviewed figures on the February monthly financial report.
- 24 2) He assessed House Study Bill 707 and Senate Study Bill 3115 regarding the  
25 allocation of licensure fees. The House bill allows the Board 75% and the  
26 General Fund 25%, with unlimited carryover; the Senate bill allows the  
27 Board 90% and the General Fund 10%, with a 15% carryover.
- 28 3) He showed the Board House Study Bill 735, which changes the timeline in  
29 the investigative process from 180 days for resolution of complaints to 120  
30 days for determination of probable cause. The bill also suggests a  
31 reconfiguration of membership of the Board and checks of the sex offender

1 registry, the central registry for child abuse information, and dependent  
2 adult abuse records for information on applicants for licensure renewal.

3 4) He said that, in anticipation of the board retreat, staff would develop focus  
4 groups from the different constituencies over the course of the next several  
5 months. Input from those groups would form the basis of some of the  
6 discussion at the board retreat.

7 5) He proposed a board meeting date next year of February 8, 2007, with a  
8 legislative breakfast reception held from 7:30 – 9:00 a.m. prior to the board  
9 meeting.

10 6) He asked board members to encourage practitioners to get their e-mail  
11 addresses into their licensure files so that renewal reminders can be sent  
12 one year and then one month prior to the expiration of their licenses.  
13 Practitioners can input their e-mail address themselves if they access their  
14 file with their social security number, folder number and date of birth.  
15 Other venues will also be used to communicate this accessibility.

16 7) Licensure Consultant Geri McMahon referred to draft documents entitled  
17 “Licensure Renewal Program Application” and “Licensure Renewal Annual  
18 Report Form.” She walked board members through the forms developed for  
19 those agencies making application to provide, and those already providing,  
20 coursework for licensure renewal.

21 8) Licensure Consultant Susan Fischer was unable to attend the meeting. Her  
22 report on the Alternative Certification Conference was deferred.

23  
24 The Board recessed from 10:40 a.m. to 10:55 a.m.

25  
26 Due to licensure questions that had arisen prior to the February board  
27 meeting, the Board took no action at that time on the proposed rules for the  
28 orientation and mobility license. Those issues were subsequently resolved.  
29 Jeffrey Henderson moved, with a second by Greg Robinson, to file under Notice  
30 of Intended Action, the proposed rules in Chapter 15 for the orientation and  
31 mobility license. **MOTION CARRIED UNANIMOUSLY.**

1  
2 President Sharon Yearous, Barb Allen and Linda Goeldner attended the board  
3 meeting representing the Iowa School Nurse Association (ISNO). Ms. Yearous  
4 referred the Board to the ISNO's petition that asked the Board to resume the  
5 practice of issuing Statements of Professional Recognition (SPR) to school  
6 nurses who meet the minimum requirements that the organization  
7 recommends. The ISNO believes that the requirements are equal to the  
8 minimum education and licensure/certification requirements for teachers.  
9 The material stated that the DE acknowledges that student achievement is very  
10 closely related to attendance and health. School nurses who monitor  
11 attendance and manage the health needs of students with chronic illnesses  
12 contribute to the students' ability to succeed academically. The Board agreed  
13 to move the matter forward and consider proposed rules at probably the May  
14 meeting.

15  
16 Executive Director Dr. George Maurer was scheduled to address the  
17 Administrative Rules Review Committee on March 10 about the proposed rules  
18 to remove a Letter of Reprimand from the public information access system.  
19 Dr. Maurer wanted to make sure that he had full understanding of the Board's  
20 position in preparation for his testimony. Significant discussion followed.  
21 Board Chair Judy Jeffrey said in sum that, if questioned, Dr. Maurer can tell  
22 the committee that board members have differing opinions on the matter and  
23 that the vote was split at the time the rules were noticed. Furthermore,  
24 although the Iowa Association of School Boards requested that all of a potential  
25 employee's background information, including all past letters of reprimand, be  
26 available to administrators via the public information access system, the view  
27 of other representative organizations should be sought in order to give  
28 appropriate value to those stakeholders' judgment. Dr. Maurer said the rules  
29 would be presented for adoption at the April meeting.

1 The Board recessed for lunch at 11:43 a.m. and reconvened at 12:31 p.m.  
2 Jacqueline Wellborn rejoined the meeting at 12:33 p.m.  
3  
4 Executive Director Dr. George Maurer reported that as part of the Kaizen  
5 Training event, board staff explored ways to increase efficiency. One  
6 suggestion was to audit renewal requirements, as other licensing boards  
7 currently do. The Board looked at proposed rules requiring individuals  
8 selected for audit to send in documents proving completion of the requirements  
9 listed in IAC Chapter 17. The Board agreed to take the rulemaking to the next  
10 level.

1 The Board considered administrative rules for its new Chapter 7, "Proof of  
2 Legal Presence." The rules are needed to give practitioners and other interested  
3 people more notice of the requirements to prove legal presence in the United  
4 States. Given the Board's agreement to move forward on the rules, Executive  
5 Director Dr. George Maurer said the Board would see the rules again whenever  
6 the timeframe for action corresponds appropriately with national timelines in a  
7 review of federal immigration.

8  
9 DE Practitioner Preparation Consultant Dr. Arlie Willems led the Board in an  
10 examination of practitioner preparation statistics. One table showed the  
11 number of teacher candidates by endorsement yearly from 2003 projected  
12 through 2007; the other showed selected entries from the first chart with the  
13 percent of increase or decrease in the figures from one year to the next. The  
14 material indicated trends, i.e., whether there will be enough in the supply  
15 chain to fill the demand chain. Board Chair Judy Jeffrey provided additional  
16 information so that board members could understand the breadth of  
17 conditions. She then apprised the Board of some of the legislative packages  
18 that the DE is promoting to address the need in the shortage areas: The  
19 College Student Aid Commission and College Loan Liquidation Corporation are  
20 agreeable to putting more dollars into forgivable loans and to expand that  
21 program; tuition reimbursement and license fees would be paid for those  
22 individuals who are willing to go back to school and get the necessary  
23 endorsement; and the State would directly make an award of financial  
24 compensation to those practitioners. Iowa Association of Colleges for Teacher  
25 Preparation President Dr. Barry Wilson said the figures were worrisome  
26 because the institutions recognize the need and want to respond to it and the  
27 regents institutions will again be underfunded by significant amounts. Ms.  
28 Jeffrey urged board members to political advocacy, when appropriate, for the  
29 needs of education. Board Member Jean Seeland moved, with a second by  
30 Beverly Smith, that the Board go on record endorsing all parts of the Iowa  
31 educator quality legislation. Executive Director Dr. George Maurer can

1 communicate this to the legislators. Board Member John Aboud emphasized  
2 that this endorsement was a direct result of examination of the data. Ms.  
3 Jeffrey further lamented that stakeholders do not speak with a cohesive voice  
4 as a body of educators across all of the organizations. Dr. Willems said a  
5 beginning of a solution may result from portions of the Teacher Quality  
6 Enhancement Grant, which will offer opportunities for statewide contact and  
7 communication. Board member Jacqueline Wellborn added that her local  
8 association encourages educators to be politically active as individuals, and  
9 information is regularly provided to them. **MOTION CARRIED**

10 **UNANIMOUSLY.**

11  
12 Dianne Koehler submitted a petition to waive the requirement for a  
13 recommendation from a teacher preparation institution in order to obtain her  
14 Iowa teaching license. She graduated from Buena Vista University with a  
15 distributive major in the spring of 1985. She received a “D” in student  
16 teaching, so the cooperating teacher and the university did not recommend her  
17 for a teaching license. She subsequently taught in Arizona for five years and  
18 went through a mentoring program her first year. She included letters of  
19 recommendation and her evaluation. She has now successfully taught in  
20 Arizona for five years and would like to receive an Iowa teaching license. John  
21 Aboud moved, with a second by Jean Seeland, that **in PFW 06-02**, Dianne L.  
22 Koehler, the Board deny the Petition for Waiver, with the proviso that Ms.  
23 Koehler only need meet the student teaching requirement and whatever that  
24 Iowa institution’s program deems necessary in order for her to student teach.  
25 **MOTION CARRIED UNANIMOUSLY.**

26  
27 Board Member John Aboud remarked that the timelines for professional  
28 practices investigations have improved dramatically. Executive Director Dr.  
29 George Maurer explained some of the changes that have streamlined the  
30 procedure. Assistant Attorney General and legal counsel to the Board Christie

1 Scase then summarized the steps in the process once the Board has  
2 determined probable cause.

3

4 There being no further business, Board Chair Judy Jeffrey adjourned the  
5 meeting at 1:51 p.m.